

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, NOVEMBER 15, 2005, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner Chuck Watkins
Commissioner Elect Jeanine Noble
Commissioner Elect Russ Pitts

H. M. Place III, Town Manager

ABSENT: Commissioner Lea Hullender
J. Christopher Callahan, Town Attorney

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner McCallum gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Watkins made a motion to approve the agenda as amended by adding removing approval of minutes of October 11, 2005 from the consent agenda and revising item 8a to read discussion regarding individuals serving on the comprehensive plan steering committee. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - CONSIDER AMENDMENTS TO THE TOWN OF LAKE LURE
ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO DEFINITIONS AND
CONDITIONAL USE PERMIT STANDARDS AND REQUIREMENTS FOR PLANNED
UNIT DEVELOPMENTS AND OTHER USES**

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-10-11B amending the Town of Lake Lure zoning regulations, Title IX, Chapter 92, relating to definitions and conditional use permit standards and requirements for planned unit developments and other uses.

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Community Development Administrator Shannon Baldwin gave a brief overview of the proposed ordinance being considered.

The Mayor invited citizens to speak during the hearing. Jeanine Noble and Werner Maringer spoke in favor of the proposed ordinance and requested town council adopt it as presented. Rick Coley asked for a clarification on the amendment pertaining to the issuance of permits for commercial use.

After discussion, Commissioner McCallum made a motion to close the public hearing. Commissioner Cox seconded the motion and the vote of approval was unanimous.

ADOPT ORDINANCE NO. 05-10-11B AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO DEFINITIONS AND CONDITIONAL USE PERMIT STANDARDS AND REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS AND OTHER USES
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After discussion, Commissioner Watkins made a motion to approve Ordinance No. 05-10-11B as presented. (Copy of Ordinance is attached). Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner Cox suggested that the zoning ordinance be amended in the future to add a section for camps with their own zoning areas and add depth to the definition. Town Council members concurred with Commissioner Cox's recommendation.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and the following individuals requested to speak.

1. George Pressley expressed his appreciation to Commissioner Lea Hullender and Commissioner Blaine Cox for a job well done serving on Town Council.
2. Aaron White expressed his concerns about being unprotected from developers on Tryon Bay Circle. Mr. White said the roads should not be constructed adjacent to property lines. He asked that the town make sure when looking at developers proposals the roads have ingress and egress.
3. Paula Jordan requested that Town Council waive the rental fee for use of the Community Hall in the Municipal Center on Saturday, December 10, 2005 for a children's Christmas Party being sponsored by the Hickory Nut Gorge Kiwanis Club. Mrs. Jordan said the Kiwanis Club members would clean up the Community Hall after use.

After discussion, Commissioner McCallum made a motion to approve Mrs. Jordan's request to waive the rental fee for use of the Community Hall in the Municipal Center on Saturday, December 10, 2005 for a children's Christmas Party being sponsored by the Hickory Nut Gorge Kiwanis Club. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Cox moved, seconded by Commissioner McCallum, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of October 25, 2005 (special joint workshop meeting), November 1, 2005 (recessed special meeting; and November 7, 2005 (special meeting & closed session);
- b. budget amendment of \$7,192.00 for paving the fire station building parking lot as submitted by the finance director; transferring \$7,192.00 from the contingency reserve account (#10-991000-970) to the fire department line item (#10-434000-353) for repairs and maintenance.
- c. a request from the Hickory Nut Gorge Chamber of Commerce to: (hold a Christmas boat parade on the lake and a fireworks show on town property (Point of Morse Park) on Saturday, December 3, 2005, at 6:00 P.M.; (2) have a bon fire on the town beach; and (3) suspend the peddling ordinance in order to sell concessions during this event; and
- d. Resolution No. 05-11-15 amending the personnel policy of the Town of Lake Lure to add a new section relating to the transfer in of sick leave from other jurisdictions.

End of Consent Agenda

UNFINISHED BUSINESS

a: Consider a Contract Proposal with Landdesign for Planning Services to Develop a Comprehensive Plan for the Town of Lake Lure
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Community Development Administrator Shannon Baldwin reviewed the revised contract proposal dated November 7, 2005 for planning services to develop a comprehensive plan.

After discussion, Commissioner Cox made a motion to approve the contract as presented with Landdesign dated November 7, 2005 not to exceed \$97,000 for planning services to develop a comprehensive plan. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of contract attached).

UNFINISHED BUSINESS

b: Discussion Regarding Individuals Serving on the Comprehensive Plan Steering Committee

Town Council members agreed to appoint individuals to serve on the Comprehensive Plan Steering Committee at the next regular Town Council meeting on Tuesday, December 13, 2005 and publish an announcement in the December town newsletter regarding applications to serve on various boards and committees. The Mayor announced that applications for this committee needed to be submitted prior to the December 13th town meeting.

UNFINISHED BUSINESS

c: Public Hearing - Proposed Ordinance No. 05-11-15 Amending Chapter 96 (The Soil Erosion and Sedimentation Control Regulations) of the Code of Ordinances for the Town of Lake Lure Establishing Regulations to Control Accelerated Erosion and Sedimentation in Order to Prevent the Pollution of Water and Other Damage to Lakes, Watercourses, and Other Public and Private Property by Sedimentation

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-10-11B amending Chapter 96 (The Soil Erosion and Sedimentation Control Regulations) of the Code of Ordinances for the Town of Lake Lure establishing regulations to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation.

Erosion Control Specialist Clint Calhoun gave a brief overview of the proposed Ordinance No. 05-11-05.

The Mayor invited citizens to speak during the hearing. Diane Barrett asked questions regarding the time period for completing projects and submitting proposals.

After discussion, Commissioner McCallum made a motion to close the public hearing. Commissioner Cox seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS

d: Adopt Ordinance No. 05-11-15 Amending Chapter 96 (The Soil Erosion and Sedimentation Control Regulations) of the Code of Ordinances for the Town of Lake Lure Establishing Regulations to Control Accelerated Erosion and Sedimentation in Order to Prevent the Pollution of Water and Other Damage to Lakes, Watercourses, and Other Public and Private Property by Sedimentation

After discussion, Commissioner McCallum made a motion to approve Ordinance No. 05-11-15 as presented. (Copy of Ordinance is attached). Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

a. Oath of Office - Mayor Jim Proctor

The Mayor introduced Judge Laura Powell to the town council members and the audience.

Judge Powell administered the oath of office to Mayor Jim Proctor.

NEW BUSINESS:

b. Oath of Office - Commissioner Jeanine Noble

Judge Powell administered the oath of office to Commissioner Jeanine Noble.

NEW BUSINESS:

c. Oath of Office - Commissioner Russ Pitts

Judge Powell administered the oath of office to Commissioner Russ Pitts.

NEW BUSINESS:

d. Present Awards of Appreciation

Mayor Proctor presented Commissioner Blaine Cox an award of appreciation for his years of service served on Town Council. Commissioner Lea Hullender was not present to receive her award of appreciation for her years of service served on Town Council.

The Mayor recessed the meeting for a reception honoring incoming and outgoing town council members and reconvened the meeting after the reception.

NEW BUSINESS:

e. Appoint a Mayor Pro Tem

A motion was made by Commissioner Watkins to appoint Commissioner Dick McCallum to serve as Mayor Pro Tem. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Appoint Council Members to Serve as Liaison on Various Boards and/or Committees including: Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Zoning/Planning Board, Golf Course Advisory Committee, Lake Lure ABC Board and Parks/Recreation Board

After discussion, a motion was made by Commissioner McCallum to:appoint Dick McCallum to serve as liaison on the Zoning and Planning Board; appoint Commissioner Russ Pitts to serve as liaison on the Lake Advisory Committee; appoint Commissioner Chuck Watkins to serve as liaison on the Board of Adjustment/Lake Structures Appeals Board, appoint Commissioner Jeanine Noble to serve as liaison on the Golf Course Advisory Committee; appoint Commissioner Dick McCallum to serve as liaison on the Lake Lure ABC Board, and appoint Commissioner Jeanine Noble to serve as liaison on the Parks/Recreation Board. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. Consider Approval of a Letter of Credit and Agreement Between the Town of Lake Lure and The Highlands of Lake Lure, LLC

Community Development Administrator Shannon Baldwin reviewed the letter of credit for \$126,050 and agreement between the Town of Lake Lure and The highlands of Lake Lure, LLC. Mr. Baldwin requested that the approval be contingent upon the town engineer making sure the \$126,050 is sufficient coverage for this project.

After discussion, Commissioner McCallum made a motion to approve the letter of credit for \$126,050 and agreement between the Town of Lake Lure and The highlands of Lake Lure as presented contingent upon the town's engineer making sure the \$126,050 is sufficient coverage for The Highlands of Lake Lure subdivision project. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of letter of credit and agreement attached).

NEW BUSINESS:

h. Consider an Offer from Paul Everhart and David Ray to Purchase Certain Town Property Located on the North Side of Charlotte Drive between Pleasant Circle and Sandalwood Drive

Town Manager Place read his memorandum of November 8, 2005 into the record regarding an offer to purchase town property from Paul Everhart and David Ray. (Copy of memorandum attached).

After discussion Commissioner McCallum made a motion to declare certain town property located on the North Side of Charlotte Drive between Pleasant Circle and Sandalwood Drive and authorized the town manager to advertise for sale after obtaining an appraisal for this property. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

i. Consider a Request from Doug Long on Behalf of the Hickory Nut Gorge Olympiad Committee Regarding the Olympiad for 2006

After discussion, Commissioner Watkins made a motion to suspend the town's peddling ordinance and waive rental fees for use of town property and facilities for the 2006 Hickory Nut Gorge Olympiad being held on September 8 through 10; declared September as Olympiad month instead of August formerly declared by the mayor in Proclamation No. 05-1. Commissioner Noble seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

j. Consider a Request from Larry Courtney on Behalf of the Land Resource Companies (LRC) Regarding the HGTV Dream House Event and Use Certain Town Property to Stage Buses for Tours

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After discussion, Commissioner Pitts made a motion to approved a request from Larry Courtney on behalf of the Land Resource Companies (LRC) regarding the HGTV dream house event and use of certain town property to stage buses for tours contingent upon certain stipulations set by town council being met; authorized the town manager to draft a contract with Land Resource Companies for this event. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Congratulated newly elected Council members Jeanine Noble and Russ Pitts on behalf of himself and town staff.
2. The Clean Water Management Trust Fund approved the town's grant application for inflow and infiltration study of the sewer system. The cost of this project is estimated at \$96,000 and the grant was approved for \$77,000, leaving 20% local match of \$19,000.
3. Update on the STAG project for the wastewater treatment plant.
4. Update on the contract negotiations with Duke Energy.
5. Update on the dredging project with Lake Norman.
6. The lease between the Town of Lake Lure and the Lake Lure ABC store expires January 7, 2006. The lease renewal will be place on the agenda for the next regular town meeting in December, 2005.
7. Update on the status of the Water System Master Plan prepared by McGill Associates. A draft copy is available in the town managers office for review.
8. Update on Coast Guard Auxiliary group to be formed for volunteer service on the lake.
9. Update on project study of space needs for town administration and the police department.
10. As recommended by the town manager, Commissioner Watkins made a motion to approve the request from Terrence Duffy asking the town to take over the road maintenance in Lurewoods Manor Phase II; town council members agreed to delay taking over the road maintenance at this time due to concerns by town staff members that the road might fail particular road requirements again; town council members agreed to reconsider Mr. Duffy's request after waiting another year to see if the roads in Lurewoods Manor Phase II are stable enough to pass another inspection. Commissioner McCallum seconded the motion and the vote of approval was unanimous.
11. Scheduled a tour of the town facilities. This will be an all day event.

Town Council members agreed to meet at town hall on December 7, 2007, at 9:00 a.m. to tour the town facilities.
12. Update on bids received for certain town property located at the golf course (3.3 acre portion) declared surplus for sale.

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13. Update on the status of the town's website.

COUNCIL COMMENTS

Commissioner McCallum commended that Zoning and Planning Board for all of their hard work meeting on Tuesdays working on zoning amendments.

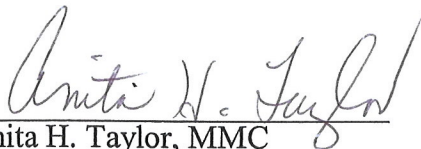
Lake Advisory Chairman Bob Washburn gave a brief report on the status of the town's dredge. Mr. Washburn invited council members to attend the next Lake Advisory meeting. Mr. Washburn also requested that a special joint meeting with the Marine Commission and the Lake Advisory Committee be scheduled in December during the afternoon.

An announcement was made regarding the annual art and craft show being held at the Lake Lure Inn on November 26, 2005 from 10:00 a.m. until 6:00 p.m.

ADJOURNMENT

With no further items of discussion, Commissioner McCallum made a motion to adjourn the meeting. Commissioner Noble seconded the motion and the vote of approval was unanimous.

ATTEST:


Anita H. Taylor, MMC
Deputy Town Clerk


Mayor Jim Proctor